

was olive oil, that it was a foreign product, and that each can contained not less than $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon of the article, whereas, in fact and in truth, it was not olive oil nor was the same a foreign product, and each can contained less than $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon thereof.

Misbranding of the finest quality table oil Termini Imerese type was alleged in substance for the reason that the following statements appearing on the label in plain and conspicuous type, to wit, "Termini Imerese," and the statement following thereafter in said label in small and inconspicuous type, to wit, "Type," and "Net Contents One Quart" or "Net Contents Half Gallon" or "Net Contents One Gallon," as the case might be, were false and misleading in that they represented to purchasers of the article that the same was olive oil and was a foreign product, and that each can contained not less than 1 quart or $\frac{1}{2}$ gallon or 1 gallon, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was olive oil, that it was a foreign product and that each of the cans contained not less than 1 quart or $\frac{1}{2}$ gallon or 1 gallon of the article, as the case might be, whereas, in fact and in truth, the article was not olive oil, nor was the same a foreign product, and each of the cans contained less than 1 quart or $\frac{1}{2}$ gallon or 1 gallon of the article.

Misbranding of each brand of oil was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On March 31, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL, *Acting Secretary of Agriculture.*

7635. Misbranding of "Fruit-a-tives." U. S. * * * v. 74 $\frac{1}{2}$ Dozen Packages of * * * "Fruit-a-tives." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11161. I. S. No. 13130-r. S. No. E-1684.)

On September 5, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 74 $\frac{1}{2}$ dozen packages of a product called "Fruit-a-tives," remaining unsold in the original unbroken packages at Boston, Mass., consigned on or about August 2, 1919, alleging that the article had been shipped by Fruitatives, Ltd., Ogdensburg, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of aloin, cascara sagrada, quinine, and strychnine.

Misbranding of the article was alleged in the libel for the reason that the following statements and similar statements on the box label and included in the circular, together with the pictorial device on front of carton showing an apparatus being fed different fruits and discharging tablets, were false and misleading in that they conveyed the impression that "the laxative and healing properties" were due to fruit or fruit extracts, when, in fact, they were not: (Carton, top) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound;" (carton, front panel) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound 'By their fruits ye shall know them;'" (carton, right panel) "Strengthens the Stomach and Liver * * * Stimulates the Kidneys Aids in clearing

the complexion Tends to purify the blood Tones up the nervous system and refreshens the whole system;" (carton, left panel) "The laxative and healing properties of fresh ripe fruit extracted by a special process, enhanced by special tonics * * *. As pleasant to take as sugared fruits * * *;" (carton, back panel) "Composition: 'Fruit-a-tives' is made from a special extract of concentrated and intensified fruit juice * * *;" (carton, bottom) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound is made from the laxative, or liver principle, extracted by a special process from oranges, apples, prunes, and figs—to which tonics are added—and is a reliable remedy for Constipation and Biliousness * * *;" (sticker on cork) "Made from fresh ripe fruit." Misbranding was alleged for the further reason that the following statements, appearing on the carton and box containing the article and in the circular accompanying the same, regarding the curative and therapeutic effects thereof, (carton) "Strengthens the stomach and liver * * * Stimulates the Kidneys Aids in clearing the complexion Tends to purify the blood Tones up the nervous system and refreshens the whole system * * *;" (box) "'Fruitatives' 'Fruit Liver Tablets' Compound * * * Tones and sweetens the stomach, relieves * * * biliousness, torpid liver, recurring headaches, dizziness, backache, sallow complexion * * *;" (circular) "'Fruit-a-tives' is an effective remedy made from the juices of ripe fruits with the addition of tonics—and has a distinctly remedial action on the stomach, liver, bowels, kidneys, skin and nervous system. * * * 'Fruit-a-tives' has, therefore, all the healing powers of large quantities of fruit juice and this is augmented by the action of the tonics contained in the tablets. In chronic constipation, indigestion, sleeplessness, biliousness, kidney irritation, skin diseases, headaches, backaches, pelvic pains, nervous depression and blood impurity—'Fruit-a-tives' is very beneficial and highly recommended. * * * Indigestion or dyspepsia * * * 'Fruit-a-tives' will materially aid in relieving this disease because it tends to purify the blood by acting on the liver, bowels, kidneys and skin. * * * Biliousness * * * 'Fruit-a-tives' will tend to check this complaint quickly as it acts directly on the liver cells * * * the blood is purified; the headache is relieved, and the stomach sweetened. * * * Backache * * * 'Fruit-a-tives' acts in these cases very beneficially * * *. Headaches * * * In this trouble 'Fruit-a-tives' will tend to relieve * * *. Rheumatism * * * The action of 'Fruit-a-tives' will tend to relieve rheumatism * * * 'Fruit-a-tives' should assist very materially in removing the cause on account of its tonic and disinfectant action on the lining membrane of the intestines. In rheumatism take 'Fruit-a-tives' for some considerable time in order to give it a chance to act * * *. Pelvic pains, or pains around the hips and back * * * In these cases * * * It is advisable to use 'Fruit-a-tives' carefully * * *. Skin disease * * * In these cases 'Fruit-a-tives' will assist very materially in bringing relief * * *. Catarrh * * * In these cases use 'Fruit-a-tives' carefully * * * it is best to use 'Fruit-a-tives' * * *," were false and fraudulent, as the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On November 26, 1919, Brewer & Co., Inc., Worcester, Mass., claimant, having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*